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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

EYE-FI HOLDINGS, LLC, a Delaware limited liability company; and EYE-FI, LLC, a Nevada limited liability company,

Plaintiffs,

v.

BRIAN BERGESON, an individual; KYLE NAKAMOTO, an individual; and 3 DOTS, LLC, a Nevada limited liability company,

Defendants.

BRIAN BERGESON, an individual,

Counterclaimant,

v.

EYE-FI HOLDINGS, LLC, a Delaware limited liability company; and EYE-FI, LLC, a Nevada limited liability company,

Counterdefendants.

Case No. 2:24-cv-00925-JCM-MDC

**STIPULATION AND ORDER TO  
EXTEND TIME FOR PLAINTIFFS  
TO RESPOND TO DEFENDANTS'  
AMENDED COUNTERCLAIMS  
[ECF NOS. 30, 31]**

**[First Request]**

1 KYLE NAKAMOTO, an individual,  
2  
3 Counterclaimant,  
4  
5 v.  
6 EYE-FI HOLDINGS, LLC, a Delaware limited  
7 liability company; and EYE-FI, LLC, a Nevada  
8 limited liability company,  
9  
10 Counterdefendants.

11 IT IS HEREBY STIPULATED between Plaintiffs/Counterdefendants EYE-FI HOLDINGS,  
12 LLC and EYE-FI, LLC (collectively, “Plaintiffs” or “Counterdefendants”) and  
13 Defendants/Counterclaimants BRIAN BERGESON (“Bergeson”), 3 DOTS, LLC (“3 Dots”), and  
14 KYLE NAKAMOTO (“Nakamoto,” or collectively with Bergeson, “Defendants” or  
15 “Counterclaimants”), through their undersigned counsel, that Counterdefendants shall have an  
16 additional two (2) weeks in which to file and serve their responses to Defendants Bergeson and 3  
17 Dots’ First Amended Answer and Counterclaim [ECF No. 31] and Defendant Nakamoto’s Answer to  
18 Plaintiffs’ First Amended Complaint and First Amended Counterclaim [ECF No. 30] (collectively,  
19 “First Amended Counterclaims”) as provided by LR IA 6-1, from Tuesday, November 12, 2024,  
20 through and until Tuesday, November 26, 2024. If Plaintiffs/Counterdefendants move to dismiss the  
21 First Amended Counterclaims, the Parties agree that Defendants/Counterclaimants shall have up to  
22 and until December 12, 2024, to oppose any such motion, with any reply brief due on January 2,  
23 2025. This is the first request to extend the time for Plaintiffs to submit responses to the First  
24 Amended Counterclaims and the Parties request that the Court enter an order approving this  
25 stipulation.

26 Good cause exists for this request. Plaintiffs requested this short additional extension of  
27 time to permit an adequate opportunity for counsel to complete their evaluation of the First  
28 Amended Counterclaims and to assess potential issues raised by the additional and changed  
allegations. Additionally, when the First Amended Counterclaims were filed, Plaintiffs/  
Counterdefendants’ counsel was preparing for an extensive binding two-week arbitration hearing.  
The Parties met and conferred, and Defendants/Counterclaimants agreed to the extended response

1 deadline. All Parties agreed, given issues relating to the holidays and other immovable client  
 2 conflicts, to set an agreed upon briefing schedule should Plaintiffs/Counterdefendants move to  
 3 dismiss the First Amended Counterclaims as stated herein, as a matter of professional courtesy to  
 4 each other. The Parties agreed, subject to the Court's approval, that Plaintiffs' deadlines to respond  
 5 to the First Amended Counterclaims shall be extended to November 26, 2024, Defendants/  
 6 Counterclaimants' response to any motion to dismiss shall be December 12, 2024, and  
 7 Plaintiffs/Counterdefendants' reply to any motion to dismiss shall be January 2, 2025. The Parties  
 8 respectfully request that the Court enter an order approving this stipulation.

9 DATED this 12<sup>th</sup> day of November, 2024.

10 **GREENBERG TRAUIG, LLP**

**SYLVESTER & POLEDNAK, LTD.**

11 /s/ Elliot T. Anderson

/s/ Matthew T. Kneeland

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24 **IT IS SO ORDERED:**

26 **UNITED STATES MAGISTRATE JUDGE**

27 **DATED: 11-13-24**